



## Fiscal Estimate Narratives

SPD 10/18/2005

LRB Number	05-2283/1	Introduction Number	SB-378	Estimate Type	Original
<b>Description</b> The elimination of jury trials in termination of parental rights proceedings.					

### Assumptions Used in Arriving at Fiscal Estimate

The State Public Defender (SPD) provides legal representation in criminal cases and other specified proceedings in which the loss of personal liberty or parental rights may occur. For adult clients, the SPD must complete a financial eligibility evaluation before appointing an attorney. SPD services are constitutionally required because in the case types handled by SPD, a defendant without the financial means to hire an attorney has the right to have an attorney appointed. Therefore, any bill that would increase the number of cases handled by SPD would increase SPD costs.

Since this bill does not create a new offense or expand the definition of any offense, it should not result in any change to the number of cases in which the SPD appoints counsel.

A court trial generally takes less time than a jury trial. Thus, some savings to SPD could result from the proposed bill. However, termination of parental rights (TPR) cases generally follow previous juvenile proceedings involving the same family members (parents and child(ren)). Often, the judge assigned to the TPR trial previously presided over related juvenile court proceedings. Without the option of an impartial jury as the fact-finder, more parents are likely to seek substitution or disqualification of judge, which could result in additional court hearings.

### Long-Range Fiscal Implications